IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 16296 of 2007(M)

PETITIONER:

A.SARALADEVI AMMA, TEACHER-IN-CHARGE,
N.S.P.H.S.S. VANDANMEDU, PUTTADI P.O.,
IDUKKI DISTRICT.

BY ADV. SRI.K.K.CHANDRAN PILLAI

RESPONDENTS:
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1. THE MANAGER, N.S.P.H.S.S.,
VANDANMEDU, (SECRETARY),
VANDANMEDU GRAMA PANCHAYATH)
PUTTADI P.O., IDUKKI DISTRICT - 685 551.

2. THE DISTRICT EDUCATIONAL OFFICER,
KATTAPPANA, IDUKKI DISTRICT.

3. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI./A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.16296/2007)

EXT.P1: TRUE COPY OF REPRESENTATION DT. 4/5/2007.

RESPONDENTS' EXHIBITS:

EXT.R1(A): TRUE COPY OF COMMUNICATION DATED 2/6/2007.

EXT.R1(B): TRUE COPY OF COMMUNICATION DT. 31/1/2007.

A.K. Basheer, J.

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W.P(C) No.16296 of 2007

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Dated this the 26th day of July, 2007.

J U D G M E N T

The primary prayer in this writ petition which is at the instance of a Teacher-in-charge of the aided school managed by Vandenmedu Grama Panchayat is to issue a writ of mandamus or such other appropriate writ or direction to the Manager of the school to promote her as Headmistress with effect from June 1, 2002 and for other ancillary reliefs.

2. It is contended by the petitioner that she is the seniormost test qualified teacher in the school and is thus eligible to be promoted as Headmistress. It is also pointed out by her that Sri.Narayanan Nair who was appointed as Principal was absent from duty eversince June 1, 2001. This contention raised by the petitioner is admitted by the Manager in his counter affidavit. Though there are contradictions in the contentions raised by the Department and the Manager in their respective counter affidavits with regard to the absence of Sri.Narayanan Nair, the fact remains that the petitioner had been put in charge from June 1, 2004.The specific case of the Department is that Sri. Narayanan Nair had been absconding from the school eversince April 24, 2003. The Manager had submitted a report in this regard and informed the District Educational Officer that Sri.Narayanan Nair had submitted a leave application on May 13, 2003 for the period from May 1, 2003 to May 31, 2003. But the said application was returned to the Manager for rectifying certain

defects noticed therein. The case of the Department appears to be that the petitioner may not be entitled to get the charge, unless a valid order of appointment as Teacher-in-charge is issued by the Manager. But it is admitted by the Department that petitioner is entitled to his leave, vacation allowance etc. Curiously Ext.R1(a) communication sent by the Manager to the Deputy Director of Education, Idukki shows that Sri. Narayanan Nair had applied for leave from June 1, 2004 till May 31, 2005 and from June 1, 2005 till May 31, 2007. It is further seen from Ext.R1(a) that the leave applications had been forwarded to the Department. But the counter affidavit of the Department does not refer to any such leave applications. It is further revealed from Ext.R1 (a) that the Panchayat has now decided to promote the petitioner. Ext.R1(a) reveals the slip shot manner in which the affairs of the school are being handled by the Manager and the Panchayat. It is surprising that the Department has also kept its eyes closed for some unknown reasons as to the happenings in the school in question. If Sri. Narayanan Nair had not been granted leave by the Department, it is surprising as to why no action has been taken either by the management or the Department. I do not propose to make any further comment on the extremely casual and indifferent manner in which the school is being managed by the Panchayat and also the totally irresponsible manner in which the Department deals with such institutions. The authorities concerned must keep in mind that the future of the younger generation is in their hands. The Government is bound to pay salary to the teachers of the aided institutions. If the Department does not take prompt action against erring teachers, it will be a poor reflection on the

entire administration in the State. This writ petition is disposed of with a direction to respondent No.1 to look into the matter and ensure that things are put in order forthwith. If petitioner is entitled to get promotion as Headmistress, there is no reason why she should be denied the same. The Department must ensure that appropriate action is taken against the absconding teacher. It must also be ensured that the Department conducts a proper enquiry in the matter and appropriate action is taken against the Manager if he is guilty of dereliction of duty. This shall be done as expeditiously as possible at any rate within one month from the date of receipt of a copy of this judgment. The Registry shall forward a copy of this judgment to the Director of Local Self Government Institusions and Director of Higher Secondary Education, for appropriate action in the matter.

A.K. Basheer
Judge.

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